# Message Text

#### UNCLASSIFIED

PAGE 01 STATE 049988 ORIGIN OES-06

INFO OCT-01 AF-08 ARA-10 EUR-12 EA-09 ISO-00 EB-08 L-03 COME-00 SIG-02 ACDA-10 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 DLOS-06 DODE-00 DOTE-00 EPA-04 ERDA-07 FMC-02 TRSE-00 H-02 INR-07 INT-05 IO-13 JUSE-00 NSAE-00 NSC-05 NSF-02 OMB-01 PA-02 PM-04 PRS-01 SP-02 SS-15 USIA-15 SAL-01 FEA-01 ITC-01 /172 R

DRAFTED BY OES/OFA/FA:BSHALLMAN:EEB APPROVED BY OES/OFA/FA:ALZUCCA EB/OT/STA:MR. SPIRO L/OES-MS. HOINKES COMM/NOAA-MR. JENSEN

-----080755Z 067313 /17

R 071938Z MAR 77

FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA

AMEMBASSY MEXICO

AMEMBASSY SAN JOSE

AMEMBASSY GUATEMALA

AMEMBASSY MANAGUA

AMEMBASSY SAN SALVADOR

AMEMBASSY TEGUCIGALPA

AMEMBASSY PANAMA

AMEMBASSY BOGOTA

AMEMBASSY QUITO

AMEMBASSY LIMA

AMEMBASSY SANTIAGO

AMEMBASSY TOKYO

AMEMBASSY PARIS

AMEMBASSY MADRID

AMEMBASSY PORT OF SPAIN

AMCONSUL CURACAO

AMEMBASSY LISBON

AMEMBASSY KUALA LUMPUR

AMEMBASSY SINGAPORE

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AMEMBASSY JAKARTA

AMEMBASSY MANILA

AMEMBASSY SEOUL

AMEMBASSY TAIPEI

AMEMBASSY CANBERRA

AMEMBASSY PORT MORESBY

AMEMBASSY WELLINGTON

AMEMBASSY FREETOWN AMEMBASSY ABIDJAN AMEMBASSY ACCRA

AMEMBASSY NAIROBI

AMEMBASSY DAKAR

AMEMBASSY NOUAKCHOTT

AMEMBASSY TANANARIVE

AMEMBASSY PRETORIA

AMEMBASSY BUENOS AIRES

AMEMBASSY REYKJAVIK

AMEMBASSY STOCKHOLM

AMEMBASSY OSLO

AMEMBASSY COPENHAGEN

AMEMBASSY LONDON

AMEMBASSY WARSAW

AMEMBASSY MOSCOW

AMEMBASSY SOFIA

AMEMBASSY BUCHAREST

AMEMBASSY CARACAS

AMEMBASSY ROME

AMEMBASSY BERLIN

AMEMBASSY BONN

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E.O. 11652: N/A

TAGS: EFIS, PROR UNCLASSIFIED

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PAGE 03 STATE 049988

SUBJECT: IMPORTATION OF TUNA

REF: (A) STATE 152787 (1976), (B) STATE 260142 (1976)

- 1. PROBLEM OF ACCIDENTALLY KILLING PORPOISE WHILE PURSESEINING FOR TUNA IS EXPLAINED IN REFTEL (A), WHICH ALSO SUMMARIZES HISTORY OF U.S. REGULATION. AS NOTED IN REFTEL (A) AND DETAILED IN REFTEL (B), SIGNIFICANT CHANGES IN REGULATIONS GOVERNING IMPORTATION OF TUNA HAVE BEEN CONTEMPLATED.
- 2. FINAL REGULATIONS REGARDING THE TAKE OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS HAVE BEEN PROMULGATED BY DEPT. OF COMMERCE AND ARE BEING POUCHED TO ALL POSTS. THESE INCLUDE REGULATIONS GOVERNING THE IMPORTATION OF CERTAIN FISH. REGULATIONS INVOLVING HALIBUT, SALMON, AND CANNED SARDINES/SPILCHARDS ARE UNCHANGED. THOSE INVOLVING YELLOWFIN TUNA, HOWEVER, HAVE CHANGED SIGNIFI-

CANTLY AND WILL MAKE IT VERY DIFFICULT, AT LEAST FOR THOSE COUNTRIES FISHING IN EASTERN PACIFIC OCEAN, TO IMPORT YELLOWFIN TUNA INTO THE UNITED STATES. IMPORTATION REQUIREMENTS WILL BECOME EFFECTIVE JUNE 1.

- 3. UNDER NEW REGULATIONS U.S. TUNA FISHERMEN WILL BE OPERATING UNDER RATHER SEVERE RESTRICTIONS WITH RESPECT TO TOTAL NUMBERS AND SPECIES OF PORPOISE ALLOWED TO BE KILLED DURING FISHING OPERATIONS. POSTS SHOULD MAKE SURE HOST GOVERNMENTS ARE AWARE OF REQUIREMENTS PERTAINING TO U.S. FISHERMEN, DETAILED IN SECTION (D)(2) OF REGULATIONS, SINCE SIMILAR PRACTICES MUST BE EMPLOYED BY THEIR FISHERMEN IN ORDER FOR YELLOWFIN TUNA IMPORTS INTO U.S. TO TAKE PLACE. FOLLOWING ARE MOST PERTINENT PROVISIONS OF IMPORT REGULATIONS:
- 4. ALL YELLOWFIN TUNA IMPORTED INTO THE U.S. AFTER LINCLASSIFIED

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MAY 30, 1977, MUST BE ACCOMPANIED BY A CERTIFICATE TO INCLUDE THE FOLLOWING INFORMATION:

- (A) COUNTRY OF ORIGIN OF THE FISHING VESSEL(S) INVOLVED;
- (B) EXPORTER (NAME AND ADDRESS);
- (C) CONSIGNEE(NAME AND ADDRESS);
- (D) IDENTITY AND QUANTITY OF THE YELLOWFIN TUNA TO BE IMPORTED, LISTED BY U.S. TARIFF SCHEDULE NUMBER;
- (E) NAME OF VESSEL(S) WHICH CAUGHT THE YELLOWFIN TUNA;
- (F) FISHING METHOD USED (I.E., PURSE SEINE, LONGLINE, POLE AND LINE, ETC.);
- (G) OTHER DOCUMENTATION AS MAY BE REQUIRED BY THE DIRECTOR, SUBSEQUENT TO GRANTING A FINDING IN SECTION (E) (5);
- (H) MUST BE SIGNED BY EITHER A RESPONSIBLE GOVERNMENT OFFICIAL OF THE COUNTRY WHOSE FLAG VESSEL CAUGHT THE FISH OR THE VESSEL MASTER, AS WELL AS BY THE EXPORTER, UNDER A SPECIFIED DECLARATION.

THESE DOCUMENTATION REQUIREMENTS WILL BE ENFORCED FOR ALL SHIPMENTS OF YELLOWFIN TUNA, INCLUDING SHIPMENTS FROM COUNTRIES WHOSE VESSELS DO NOT USE FISHING METHODS WHICH INJURE PORPOISES.

5. FOR COUNTRIES WITH VESSELS OPERATING IN THE YELLOWFIN TUNA PURSE SEINE FISHERY IN THE EASTERN TROPICAL PACIFIC OCEAN, TUNA MAY NOT BE IMPORTED INTO THE U.S. UNLESS COMMERCE DEPT. MAKES FINDING TO THE CONTRARY. COUNTRIES WITH VESSELS WHICH PARTICIPATE IN THIS FISHERY ARE GREAT BRITAIN (BERMUDA), CANADA, COSTA RICA, ECUADOR, FRANCE, JAPAN, MEXICO, NETHERLANDS (NETHERLANDS ANTILLES), NICARAGUA,

PANAMA, PERU, SENEGAL, SPAIN, AND VENEZUELA.

IN ORDER TO OBTAIN A FINDING FROM COMMERCE DEPT. THE FOLLOWING INFORMATION MUST BE SUBMITTED TO THE DIRECTOR,

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NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE, WASHINGTON, D.C. 20235:

(A) A STATEMENT OF THE QUANTITY AND TYPE (IDENTI-

FIED BY (BEGIN UNDERSCORE) TARIFF SCHEDULE (END UNDERSCORE) NUMBERS LISTED IN PARAGRAPH (E)(2)(II) OF THIS SECTION) OF FISH OR FISH PRODUCTS EXPECTED TO BE IMPORTED INTO THE U.S. IN THE CALENDAR YEAR 1977:

(B) A DETAILED DESCRIPTION OF THE FISHING TECHNOLOGY AND PROCEDURES UTILIZED IN TUNA PURSE SEINE FISHING TO PROTECT MARINE MAMMALS SO THAT A DETERMINATION OF CONFORMANCE WITH 216.24 (D)(2) OF THESE REGULATIONS CAN BE MADE, OR THE EFFECTIVENESS OF ANY OTHER EQUIVALENT TECHNOLOGY OR PROCEDURES BE ASSESSED;

(C) A STATEMENT OF THE NUMBER OF MARINE MAMMALS KILLED OR SERIOUSLY INJURED (BY SPECIES) INCIDENTAL TO THE YELLOWFIN TUNA PURSE SEINE OPERATIONS ON PORPOISE FOR THE PREVIOUS YEAR, AND THE MANNER IN WHICH THE INFORMATION WAS OBTAINED (LOGBOOKS, OBSERVERS, INTERVIEWS, OR OTHER PROCEDURES); (D) A STATEMENT OF THE NUMBER OF MARINE MAMMALS WHICH WILL BE ALLOWED TO BE KILLED OR SERIOUSLY INJURED INCIDENTAL TO YELLOWFIN TUNA PURSE SEINE OPERATIONS IN 1977 AND THE IMPACT OF SUCH MORTALITY OR SERIOUS INJURY ON THE EXISTING POPULATIONS OF MARINE MAMMALS BY SPECIES;

MARINE MAMMALS BY SPECIES;
(E) A STATEMENT OF THE PROCEDURES TO BE REQUIRED,
INCLUDING QUOTAS AND OTHER CONTROLS, WHICH WILL
MEET THE U.S. REQUIREMENTS TO LIMIT THE LEVEL OF
MORTALITY, AND PROCEDURES FOR PROHIBITING SETS ON
MARINE MAMMALS AFTER THE LEVEL OF MORTALITY ALLOWED
IS REACHED;
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(F) COPIES OF LAWS AND REGULATIONS WHICH PROTECT AND

CONSERVE MARINE MAMMALS INVOLVED IN FISHING OPERATIONS; AND

(G) A LIST OF VESSELS WHICH MAY BE INVOLVED IN THE TAKING OF MARINE MAMMALS INCIDENTAL TO YELLOWFIN TUNA PURSE SEINING, AND A LIST OF UNITED STATES CITIZENS WORKING ON THESE VESSELS. SHOULD A FINDING BE MADE, THE DIRECTOR INTENDS TO REQUIRE A PERIODIC UPDATE OF THE ABOVE LIST OF U.S.

CITIZENS AS A CONDITION OF THE FINDING. THE DIRECTOR MAY REQUIRE VERIFICATION OF STATEMENTS

MADE IN CONNECTION WITH REQUESTS TO ALLOW IMPORTATIONS. THE DIRECTOR WILL RECONSIDER A FINDING UPON A REQUEST FROM, AND THE SUBMISSION OF ADDITIONAL INFORMATION FROM, THE COUNTRY OF ORIGIN.

6. ACTION REQUESTED: APPROPRIATE HOST GOVERNMENT OFFICIALS SHOULD BE MADE AWARE ASAP OF NEW IMPORT REQUIREMENTS, TO BE EFFECTIVE JUNE 1. POSTS IN THESE COUNTRIES LISTED PARAGRAPH 5 ABOVE MAY WISH TO MAKE APPROACHES RIGHT AWAY WITHOUT WAITING FOR COPIES OF FINAL REGS TO ARRIVE. THESE POSTS ALSO SHOULD BE PREPARED TO WORK WITH HOST GOVERNMENTS TO SEE IF REQUIREMENTS CAN BE MET. DEPT. SUGGESTS THAT FOREIGN OFFICES BE NOTIFIED OF THIS SITUATION EVEN IF OTHER AGENCIES WHICH MAY BE MORE APPROPRIATE ACTION AGENCIES ARE ALSO BEING INFORMED.

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PAGE 01 STATE 049988 ORIGIN EUR-04

INFO OCT-01 ISO-00 /005 R

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R 092230Z MAR 77 FM SECSTATE WASHDC INFO USMISSION EC BRUSSELS 0000

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FOLLOWING TEL SENT ACTION OTTAWA, MEXICO, SAN JOSE, GUATEMALA,

MANAGUA, SAN SALVADOR, TEGUCIGALPA, PANAMA, BOGOTA, QUITO, LIMA, SANTIAGO, TOKYO, PARIS, MADRID, PORT OF SPAIN, CURACAO, LISBON, KUALA LUMPUR, SINGAPORE, JAKARTA, MANILA, SEOUL, TAIPEI, CANBERRA, PORT MORESBY, WELLINGTON, FREETOWN, ABIDJAN, ACCRA, NAIROBI, DAKAR, NOUAKCHOTT, TANANARIVE, PRETORIA, BUENOS AIRES, REYKJAVIK, STOCKHOLM, OSLO, COPENHAGEN, LONDON, WARSAW, MOSCOW, SOFIA, BUCHAREST, CARACAS, ROME, BERLIN, BONN FROM STATE MARCH 07:

**QUOTE UNCLAS STATE 049988** 

E.O. 11652: N/A

TAGS: EFIS, PROR

SUBJECT: IMPORTATION OF TUNA

REF: (A) STATE 152787 (1976), (B) STATE 260142 (1976)

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PAGE 02 STATE 049988

REFTEL (A) AND DETAILED IN REFTEL (B), SIGNIFICANT CHANGES IN REGULATIONS GOVERNING IMPORTATION OF TUNA HAVE BEEN CONTEMPLATED.

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- 4. ALL YELLOWFIN TUNA IMPORTED INTO THE U.S. AFTER MAY 30, 1977, MUST BE ACCOMPANIED BY A CERTIFICATE TO INCLUDE THE FOLLOWING INFORMATION:
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- (E) NAME OF VESSEL(S) WHICH CAUGHT THE YELLOWFIN TUNA;
- (F) FISHING METHOD USED (I.E., PURSE SEINE, LONGLINE,

POLE AND LINE, ETC.);

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(E) A STATEMENT OF THE PROCEDURES TO BE REQUIRED, INCLUDING QUOTAS AND OTHER CONTROLS, WHICH WILL MEET THE U.S. REQUIREMENTS TO LIMIT THE LEVEL OF MORTALITY, AND PROCEDURES FOR PROHIBITING SETS ON MARINE MAMMALS AFTER THE LEVEL OF MORTALITY ALLOWED IS REACHED;

(F) COPIES OF LAWS AND REGULATIONS WHICH PROTECT AND CONSERVE MARINE MAMMALS INVOLVED IN FISHING OPERATIONS: AND

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PERIODIC UPDATE OF THE ABOVE LIST OF U.S.
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## Message Attributes

Automatic Decaptioning: X Capture Date: 01-Jan-1994 12:00:00 am Channel Indicators: n/a

**Current Classification: UNCLASSIFIED** 

Concepts: LAW, POLICIES, FISHING INDUSTRY, IMPORTS, TUNA

Control Number: n/a

Copy: SINGLE Sent Date: 07-Mar-1977 12:00:00 am Decaption Date: 01-Jan-1960 12:00:00 am Decaption Note:

Disposition Action: n/a Disposition Approved on Date: Disposition Case Number: n/a Disposition Comment:

Disposition Date: 01-Jan-1960 12:00:00 am Disposition Event:

Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE049988
Document Source: Concept Co

Document Unique ID: 00 Drafter: BSHALLMAN EEB

Enclosure: n/a Executive Order: N/A Errors: N/A

**Expiration:** Film Number: D770079-0016 Format: TEL

From: STATE

Handling Restrictions: n/a

Image Path: ISecure: 1

Legacy Key: link1977/newtext/t19770385/aaaacxfa.tel

Line Count: 451 Litigation Code IDs: Litigation Codes:

Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM

Message ID: fc4681bc-c288-dd11-92da-001cc4696bcc Office: ORIGIN OES

Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a

Page Count: 9
Previous Channel Indicators: n/a Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 STATE 152787, 77 STATE 260142

Retention: 0

Review Action: RELEASED, APPROVED Review Content Flags: Review Date: 28-Oct-2004 12:00:00 am Review Event:

Review Exemptions: n/a **Review Media Identifier:** Review Release Date: n/a Review Release Event: n/a **Review Transfer Date:** Review Withdrawn Fields: n/a

**SAS ID:** 3185088 Secure: OPEN Status: NATIVE

Subject: IMPORTATION OF TUNA TAGS: EFIS, PFOR
To: OTTAWA MEXICO MULTIPLE

Type: TE

vdkvgwkey: odbc://SAS/SAS.dbo.SAS\_Docs/fc4681bc-c288-dd11-92da-001cc4696bcc

Review Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

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